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By Facsimile Transmission

December 12, 2005

Hon. Allyne R. Ross  
United States District Court  
Eastern District of New York  
United States Courthouse  
225 Cadman Plaza East  
Brooklyn, NY 11201

The application is denied. I will not, as I advised Mr. Lall and Mr. Sachs, permit any substitution unless Counsel is prepared to adhere to the existing schedule.

So ordered.

USDI

12/12/05  
cc: Mel Sachs, Esq. by fax  
Gail Gray, Esq. by fax  
Mr. Lall

Your Honor:

On December 9, 2005, I was retained to replace Mel Sachs, Esq., as counsel for Mr. Gary Lall. Today, I intend to file a Notice of Appearance with the Clerk of the Court.

In order to serve, as an informed and effective advocate, I respectfully request a six week adjournment to prepare and present, where appropriate, post-verdict and sentencing submissions.

Regarding the evidentiary hearing, scheduled for December 16, 2005, I respectfully request an opportunity to thoroughly review the charging instrument(s) and trial transcript before deciding whether to present evidence, cross-examine government witnesses or object to the proceeding, based on the line of United States Supreme Court cases, prohibiting punishment for charges which are not noticed in the indictment or proven beyond a reasonable doubt. *Apprendi v. New Jersey*, 530 U.S. 466 (2000); *Jones v. United States*, 526 U.S. 227 (1999).

While I have already arranged for a service to collect documents, and other material, from Mr. Sach's office, he has advised that the file does not contain the trial transcript. Therefore, I have asked the court reporters, at trial and elsewhere, to transcribe the record. They have indicated this will take approximately one week. After receiving the file and transcript, I will diligently undertake a careful review of the papers as well as the evidence adduced, and arguments made, at trial.

Thank you for your consideration.

Very truly yours,  
Gail Gray

C/M

cc: Michael Joseph Rarnos  
Assistant United States Attorney  
Eastern District of New York  
(By facsimile transmission)

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